

SEP 06 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	Whitehouse
Serial No.:	09/901,428
Title:	Multiple Ion Guide
Filing Date:	July 9, 2001
Examiner:	Kiet Tuan Nguyen
Group:	2881
Atty Docket No.:	840.052.203

PATENT  
APPLICATION

VIA FACSIMILE: 571-273-8300  
ATTENTION: Deputy Comm'r for Patent Examination Policy  
Mail Stop: Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO HAVE ENTERED AN UNINTENTIONALLY DELAYED DOMESTIC  
PRIORITY CLAIM UNDER 37 CFR § 1.78(a)(3) AND MPEP § 1002.02(b)**

Sir:

Applicant submits the instant Petition to have entered the unintentionally delayed priority claim of the above-captioned application to 09/808,468 filed March 14, 2001. It is a continuation thereof. Kindly charge the petition fee of \$1370 (per 37 CFR § 1.17(t)) to the undersigned's Deposit Account No. 02-2105 as well as any other fees necessary to support the instant Petition.

On May 22, 2006, the Examiner issued an Office Action stating that the Applicant failed to claim priority to U.S. Patent Appl'n No. 09/808,468 in a timely manner when it made such claim via an amendment on February 8, 2006. This priority claim is necessary to establish continuity to one or more prior issued U.S. patents which are required to support Applicant's request to provoke an interference. Applicant hereby petitions to have its February 8, 2006 claim of priority entered as unintentionally delayed pursuant to 37 CFR § 1.78(a)(3) and MPEP §

U.S. Pat. Appl'n No. 09/901,428  
Inventor: Whitehouse  
Petition to Have Entered Unintentionally  
Delayed Priority Claim

1002.02(b).

In accordance with 37 CFR § 1.78(a)(3)(i)-(iii), such a petition must have three components: i) the reference to the prior-filed application, unless previously submitted; ii) the surcharge under 37 CFR § 1.17(t); and iii) a statement that the entire delay in making the priority claim was unintentional. Regarding item i), the reference was submitted via amendment in the application on February 8, 2006. Should an additional reference be required, the Office is respectfully requested to telephone the undersigned prior to denying the Petition so that any errors may be corrected. Regarding item ii), the fee under § 1.17(t) is to be charged to the undersigned's Deposit Account No. 02-2105. Regarding item iii), Applicant and the undersigned respectfully submit that the entire delay between the date that the claim was due under § 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

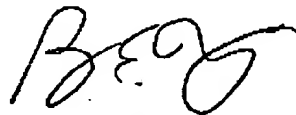
Prompt and favorable consideration on the merits is respectfully requested in light of the pending Office Action of May 22, 2006.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any additional required fee, except for the Issue Fee, for such extension may be charged to Deposit Account No. 02-2105.

Dated: June 2, 2006

Levisohn, Berger & Langsam, LLP  
805 Third Avenue, 19<sup>th</sup> Floor  
New York, New York 10022  
212-486-7272, x304  
212-486-0323 (fax)  
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Respectfully submitted,



Barry E. Negrin  
Reg. No.: 37,407  
Attorney for Applicant

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COPY

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**PETITION TO HAVE ENTERED AN UNINTENTIONALLY DELAYED DOMESTIC  
PRIORITY CLAIM UNDER 37 CFR § 1.78(a)(3) AND MPEP § 1002.02(b)**

Sir:

Applicant submits the instant Petition to have entered the unintentionally delayed priority claim of the above-captioned application to 09/808,468 filed March 14, 2001. It is a continuation thereof. Kindly charge the petition fee of \$1370 (per 37 CFR § 1.17(t)) to the undersigned's Deposit Account No. 02-2105 as well as any other fees necessary to support the instant Petition.

On May 22, 2006, the Examiner issued an Office Action stating that the Applicant failed to claim priority to U.S. Patent Appl'n No. 09/808,468 in a timely manner when it made such claim via an amendment on February 8, 2006. This priority claim is necessary to establish continuity to one or more prior issued U.S. patents which are required to support Applicant's request to provoke an interference. Applicant hereby petitions to have its February 8, 2006 claim of priority entered as unintentionally delayed pursuant to 37 CFR § 1.78(a)(3) and MPEP §

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U.S. Pat. Appl'n No. 09/901,428  
Inventor: Whitehouse  
Petition to Have Entered Unintentionally  
Delayed Priority Claim

1002.02(b).

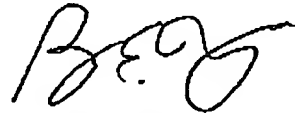
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Prompt and favorable consideration on the merits is respectfully requested in light of the pending Office Action of May 22, 2006.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any additional required fee, except for the Issue Fee, for such extension may be charged to Deposit Account No. 02-2105.

Dated: June 2, 2006

Respectfully submitted,



Barry E. Negrin  
Reg. No.: 37,407  
Attorney for Applicant

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212-486-7272 FACSIMILE: 212-486-0323 flangsam@LBL.com			
<b>FACSIMILE TRANSMISSION</b>			
TO:	U.S. Patent and Trademark Office	FAX NO:	571-273-4340
ATTN:	Office of Petitions	App'n No.	09/901,438
FROM:	Barry E. Negrin LEVISOHN, BERGER & LANGSAM, LLP		
DATE:	June 2, 2006	Transmit:	Whitehouse
PAGES INCLUDING THIS COVER SHEET: 3 CONFIRMATION BY MAIL TO FOLLOW: YES - NO			
<p><b>CERTIFICATE OF FAX TRANSMISSION:</b> I hereby certify that the attached correspondence comprising Petition to Have Entered As Informationally Delayed (Automatic Priority Claim Under 37 CFR § 1.78(a)(5) and MPEP § 202.02(b) for the above-referenced patent application, is being submitted and facsimile transmitted to the U.S. Patent and Trademark Office at Fax No. 571-273-4340 on June 2, 2006. Dr. Barry E. Negrin, Reg. No. 37,407.</p> <p style="text-align: right;"><i>[Signature]</i></p>			
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**FACSIMILE TRANSMISSION**

TO: U.S. Patent and Trademark Office FAX NO: 571-273-8300

ATTN: Office of Petitions Appl'n No. 09/901,428

FROM: Barry E. Negrin  
LEVISOHN, BERGER & LANGSAM, LLP

DATE: June 2, 2006 Inventor: Whitehouse

PAGES INCLUDING THIS COVER SHEET: 3  
CONFIRMATION BY MAIL TO FOLLOW - ☐ YES - ☒ NO

**CERTIFICATE OF FAX TRANSMISSION:** I hereby certify that the attached correspondence, comprising Petition to Have Entered An Unintentionally Delayed Domestic Priority Claim Under 37 CFR § 1.78(a)(3) and MPEP § 1002.02(b) for the above-referenced patent application, is being submitted and facsimile transmitted to the U.S. Patent and Trademark Office at Fax. No. 571-273-8300 on June 2, 2006. By: Barry E. Negrin, Reg. No. 37,407. *[Signature]*

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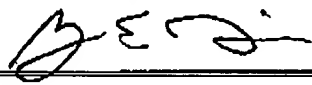
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